

Possession of Class B drugs, including Cannabis resin with intent to supply and possession of Class C drugs and supply of the Class C controlled drug, Gabapenti.

[2022]GRC061

**ROYAL COURT
FULL COURT**

8th August 2022

**Before: John Russell Finch, Esq., O.B.E., Lieutenant Bailiff and Jurats:
Terry John Ferbrache,
David James Mortimer, Joanne Marie Wyatt, David John Robilliard, Stuart Michael Crisp,
Marilyn Jasmine King, Tina Jane Le Poidevin, Paul Martin Burnard,
Felicity Jane Quevâtre-Malcic.**

THE LAW OFFICERS OF THE CROWN

- v -

SOPHIE MICHELLE HEAD

**Advocate M Davies appeared for the Crown
Advocate S E Steel appeared for the Defendant**

LIEUTENANT BAILIFF:

Background

You appear here today for sentence on an Indictment containing 9 Counts:

- Count 1: Concerned in the supply of the Class C controlled drug, Gabapentin. Maximum penalty 14 years;
- Count 2: possession of the Class B controlled drug, Cannabis resin, with intent to supply. Maximum penalty 21 years;
- Count 3: possession of the Class B controlled drug Ephylone. Maximum penalty 10 years;
- Count 4: concerned the supply of the Class B controlled drug, Cannabis. Maximum penalty 21 years;
- Count 5: possession of Cannabis, maximum penalty, 10 years;
- Count 6: possession of the Class B controlled drug 4-CEC. Maximum penalty 10 years;
- Count 7: possession of the controlled drug Gabapentin. Maximum penalty, 4 years;
- Count 8: possession of the controlled drug Cannabis resin; maximum penalty, 10 years;
- Count 9: possession of the Class C controlled drug, Clonazepam. Maximum penalty 4 years.

You are a local resident, 18 at the time of your offending and 19 now. We note you have previous matters, mainly referred to the Children's Convenor; drug matters, theft, resisting arrest, assault, assaulting the Police and possession of controlled drugs – they are as stated, referrals of course, not convictions. We also note the criminal damage matter and various traffic offences.

In relation to the charges, you have been on conditional bail throughout. An earlier 'not guilty' plea had resulted in a 2-day slot being fixed. Subsequently, acceptable pleas were offered to the Prosecution.

In relation to Counts 1-4, we have heard, in summary, the following facts:

On 20th February 2021, Police attended an address in the Vale, following a suspected drugs overdose. The deceased was your boyfriend. You removed a plastic bag from under a pillow, stating it was money from your business, it contained £8,710 in cash and the Police suspected that this was the proceeds of crime.

On 2nd March 2021, officers attended your home address. In the meantime, three videos on social media, featuring yourself, had come to the notice of the Police. In one you said, you had deleted content from the deceased's phone in an attempt to hinder the investigation; and you also warned your viewers to "*hide their stash*". After a search of your bedroom, a laptop bag was found where you had been sleeping, containing a number of illegal substances and £4,900 in cash; a large quantity - 674.4 grams of herbal cannabis was found double-bagged on the top wardrobe shelf.

Your mobile phone was seized and we have heard other mobile phone communications indicating you were a drug-dealer. The large amount of herbal in Count 2, is possession with intent to supply. Your basis of plea, that you intended to distribute it, following your partner's death, to family and friends gratuitously, "*as a gift*", is accepted by the Prosecution. It is noted, incidentally, that your drug-dealing activities are, on the sample put forward for the period 12 February 2021 to 9 April 2021. The Police had found the drugs and cash on the 2 March 2021. We have heard the messages, for example, the message from you on 26 March 2021 was: "*Am giving u 40£ worth of smoke cuz .5 paid 80£ a G and a strip is 28£ and 10£ cuz had to pay for the green last time wasn't CBD be there that's sound u get more then it's worth still be there in 5 mins*" (referring to cannabis and prescription medication).

In relation to Counts 5-9, following a serious road traffic accident, the Police on 24 April, 2021, attended A&E. Drugs paraphernalia had been found in the vehicle in which you had been travelling. In your purse, 2 capsules containing 4-CEC, rather than the prescribed medicine Omeprazole, were detected. A further search revealed 0.29 grams of herbal cannabis in a container in your handbag. You stated the herbal cannabis had been medically prescribed, which was not the case.

Another search of your property revealed Class B and Class C drugs, represented in the charges. On the bedroom wall was a piece of paper stating "*scores*" with numerous names and amounts. Another piece of paper alluded to "*3 box 5g gabs*" plus names and amounts, and £200 cash in a chest of drawers.

You were on bail for the earlier matters, Counts 1-4.

For Count 2, the 674.4 grams of cannabis was found to be high CBD/low THC.

The total amount of cannabis found amounted to 705.27 grams, with a street-value at the time (we are told) of around £35,000 - £49,000 approximately.

Sentencing Considerations

You were a supplier, so this Court is bound by guidelines set-out by the Court of Appeal in the case of Richards, recently reiterated by the Court of Appeal in the case of Orchard and Others.

We are dealing with different classes and types of drugs and two different sets of offences. We consider we should select a combined starting-point for Counts 1-4 and then for Counts 5-9, noting throughout the totality principle. Once we have determined what we consider are the appropriate starting-points, we then need to consider and apply relevant mitigation, which we will come to in a moment.

In respect of Counts 1-4, Count 2 is the most significant. The band of sentences for that amount, as a starting-point, is laid down as 3-6 years. Noting the facts, plus your readiness to supply and, as heard, active dealing, we start at a combined total for these offences of 3 years and 6 months.

In respect of Counts 5-9, the amounts are relatively small, but the serious aggravating factor is that you were on Police bail at the time. We make this total, rather mercifully as a starting-point, 9 months.

Hence, our combined starting-point on these facts, comes to 4 years and 3 months. We emphasize this is not a mathematical exercise, but based on our assessment of the facts.

Mitigation

We have taken on board what your Advocate has said on your behalf, plus the references and your letter. We have also read the (now amended) Probation report, which frankly makes for discouraging reading. We note you had a difficult childhood plus a long history of substance abuse. You did receive a good deal of support. You began offending at 13, your previous offences were referred generally to the Convenor.

In February 2021, you were referred to the drug-treatment provider CDAT, but did not show adequate motivation to address your misuse. You belong to part of a population who statistically pose a very high likelihood of general re-offending. The risk assessment is concurred with by the Probation officer. You did not appear to be motivated to engage with alternatives to custody according to the Probation report. That report was unable to recommend any realistic or workable alternatives to custody.

At a later stage you appeared to consider a Community Service Order, but the Probation officer does not agree for the reasons given in paragraph 20 of the amended report, which we have also carefully considered.

We do note your age, which means you are subject to Youth Detention and your young age is a mitigating factor to some extent. You have not served custodial sentences before. It appears to this Court that the best outcome for you would be a controlled environment in which appropriate treatment can be given.

We note as well the guilty pleas, which have saved time and for which some credit is merited.

All in all, mainly because of your age, the absence of previous custodial measures, and your pleas, we afford – erring, if at all, on the side of generosity, a discount of rather over one-third.

Sentence

When all this is boiled down to basic facts, you are a drug-dealer, who re-offended with drugs offences on bail. In particular, Count 2 is a serious amount. We also consider the disposal we are giving you is in your own interests.

- On Counts 1-4: The sentence on Count 2 is 2 years' Youth Detention; Count 4 is 12 months' concurrent; and Counts 1 and 3 is 1 month concurrent.
Total: 2 years' Youth Detention
- On Counts 5-9: The sentence on each Count is 6 months' Youth Detention concurrent;
Total: 6 months' but consecutive to the sentences on Counts 1-4
- **The total sentence is therefore 2 years and 6 months' Youth Detention from today.**

The statutory grounds are the seriousness of the offences and the need to prevent prevalent drug offences in Guernsey.

- Compulsory Supervision on release under the Youth Detention Law.
- Forfeiture and Destruction Orders, as requested.
- Drug Trafficking timetable as agreed.

J R Finch, O.B.E.
Lieutenant Bailiff

8th August 2022